



September 21, 2016

Ex Parte

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: *Expanding Consumers' Video Navigation Choices* (MB Docket No. 16-42);
Commercial Availability of Navigation Devices (MB Docket No. 97-80)

Dear Ms. Dortch:

On September 19, 2016, the undersigned, of the United States Telecom Association (USTelecom), met separately with Matthew Berry, Chief of Staff to Commissioner Pai, and David Grossman, Chief of Staff to Commissioner Clyburn regarding the above-referenced proceeding. During these meetings, USTelecom discussed its significant concerns with the approaches raised by Chairman Wheeler's "Fact Sheet" for addressing the issues in this proceeding.¹

USTelecom noted widely shared concerns that the Commission's proposal exceeds its statutory authority, particularly with respect to its creation of a government-created and overseen, centralized licensing entity that would insert itself into the vibrant video marketplace by negotiating contracts for private parties and dictating the terms of copyright licenses. USTelecom emphasized the harms to innovation that would occur under the Commission's proposal, since MVPDs would be required to conform their diverse network architectures to a standardized technology. USTelecom also said that any corrective adjustments to the Commission's proposal should limit burdens on smaller providers by including the creation of an appropriate safe harbor.

Please do not hesitate to contact the undersigned if you have questions or concerns.

Sincerely,

Kevin G. Rupy
Vice President, Law & Policy

cc: Matthew Berry
David Grossman

¹ Fact Sheet, Chairman Wheeler's Plan to Increase Choice and Innovation in Video, (rel. Sept. 8, 2016) (available at: http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db0908/DOC-341152A1.pdf) (visited Sept. 21, 2016).